

REMARKS

In the above-noted Official Action, claims 1, 7, 13 and 16 were rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,490,345 to FLEISCHER, III et al. Claims 1-18 were rejected under 35 U.S.C. §103(a) over BROWN (U.S. Patent No. 5,987,107) in view of WULKAN et al. (U.S. Patent No. 5,862,203).

Attached hereto, Applicants are providing a Terminal Disclaimer to disclaim the terminal part of any patent granted on the present application which would extend beyond the expiration date of U.S. Patent 6,490,345, subject to exceptions provided in the Terminal Disclaimer. By such filing, Applicants make no admissions as to the propriety of the rejections of claims 1, 7, 13 and 16 under the judicially created doctrine of obviousness-type double patenting. Rather, applicants are filing the Terminal Disclaimer merely to obtain early allowance of the claims of the present application. Accordingly, applicants request reconsideration and withdrawal of the rejection of claims 1, 7, 13 and 16 under the judicially created doctrine of obviousness-type double patenting.

Applicants traverse the rejection of claims 1-18 under 35 U.S.C. §103(a) over BROWN in view of WULKAN et al. In this regard, claim 1 recites a “switching point” and “a control point”. In contrast, BROWN does not disclose or suggest a “switching point” anywhere in the written description or figures, let alone the “switching point” as recited in claim 1. For example, a search of the text in BROWN will show that none of the features described in the billing system of

BROWN is a switching point, let alone the switching point as recited in claim 1.

Further, BROWN does not disclose or suggest any control point, let alone the control point recited in claim 1. Rather, the teachings of BROWN are directed to the charging station 18 that is shown in the context of a network in Figure 1.

However, the charging station 18 is not a “switching point” or a “control point” as would be understood by one of ordinary skill in the art and as is recited in claim 1.

Furthermore, none of the “local exchanges” 16, from which the charging station 18 collects billing information, are a “switching point” or “control point” as would be understood by one of ordinary skill in the art and as is recited in claim 1.

Furthermore, the “charging station 18” and the “local exchanges 16” in BROWN do not provide the characteristics of the control point and the switching point recited in claim 1. For example, the control point recited in claim 1 receives “from a switching point, a query that is generated based upon receiving a telephone call” (emphasis added). In contrast, the charging station 18 in BROWN does not receive any query from any local exchange 16. Rather, BROWN discloses that the “central charging station 18 routinely polls each of the local exchanges 16 to obtain stored information relating to usage made by particular customers”. Accordingly, the central charging station 18 is a centralized billing facility that polls local exchanges, and not a control point that receives queries from a switching point as recited in claim 1. Furthermore, the polling by the central charging station 18 is routine, and not based upon receiving a telephone call.

Additionally, claim 1 recites “the control point determining a call type code that is based upon a calling station type and a called station type and, when the call type code is eligible for discounted billing, generating a billing record of a first type for the call, the billing record of the first type being used to discount the billing for the call” (emphasis added). In this regard, while Figures 3-5 of BROWN relate to using “discounted values... to produce a final bill” (see col. 6, lines 32-60), the discounting in BROWN is not performed by a control point as recited in claim 1. Rather, the discounting in BROWN is performed by a processor 21 of the charging station 18 (see col. 6, lines 1-3).

Additionally, claim 1 recites “the control point forwarding, to the switching point, the billing record of the first type for the call” (emphasis added). In contrast, the central charging station 18 in BROWN does not forward any type of billing record to the local exchanges 16. Rather, the central charging station 18 in BROWN polls each of the local exchanges 16 to obtain stored information relating to usage from the local exchanges 16.

Moreover, claim 1 recites that “the switching point generates a billing record of a second type for the call and, when the call type code is eligible for discounted billing, the billing record of the first type is used to modify the billing record of the second type” (emphasis added). In contrast, there is no teaching in BROWN that any billing record generated by a switching point (“of a second type”) is modified by a billing record generated by a control point (“of a first type”). In this regard, the Official Action asserts that BROWN discloses

“modifying the billing record (see number 49 figure 4 wherein discount applied to each value accumulated in the category where after the discount is used to produce final bill)”. However, the discounting disclosed in BROWN does not involve a billing record generated by a control point that is used to modify a billing record generated by a switching point, at least because BROWN does not disclose or suggest the switching point and the control point as recited in claim 1.

In other words, BROWN discloses a centralized billing processor 18 that polls end offices 16 to periodically collect information. While call information from the end offices 16 is categorized and discounted in BROWN, the discounting is entirely applied at a centralized charging station 18 when the centralized charging station 18 polls the end offices 16. In contrast, according to the invention recited in claim 1, billing records that are generated and/or modified by a switch and/or a control point are used. Accordingly, while not recited, the invention recited in claim 1 provides the advantage of enabling billing discounting/modification to be performed on an ongoing and continuous basis based on the processing for individual calls. Accordingly, BROWN does not disclose any switching point or control point and is incapable of obtaining the advantages and benefits of the invention recited in claim 1.

Accordingly, if the Examiner persists in maintaining the rejection of claims 1-18 over BROWN in view of WULKAN, Applicants respectfully request an explicit indication, in the next Official Action, of which features in BROWN are

believed to disclose each of the switching point and the control point recited in the present claims.

Applicants further assert that it would not be obvious (or necessarily even possible) to modify the system disclosed in BROWN to obtain the invention recited in the present claims. In this regard, any modification of BROWN that might result in the invention recited in claim 1 would destroy the teachings of BROWN, as the centralized charging station 18 is the primary teaching of BROWN and contains functionality that would be destroyed or rendered moot if provided in conjunction with the switching points and the control points of the present invention. In other words, if one were to replace the centralized charging station 18 in BROWN with control points of a telecommunications network, the aspects of centralization that are realized as a benefit in BROWN (e.g., the ability to periodically poll end offices from a back end system) would be eliminated. Accordingly, Applicants respectfully submit that there is no motivation to modify BROWN to obtain the claimed combination of features.

In any case, Applicants respectfully submit that WULKAN does not disclose or suggest the above-noted features that are not disclosed or suggested by BROWN; nor does the outstanding Official Action assert that such features are disclosed or suggested by WULKAN or any other reference.

Applicants additionally submit that each of independent claims 7, 13 and 16 are not disclosed or suggested by the combination of BROWN and WULKAN, at least because each contains recitations similar to the above-noted features recited

in claim 1. Applicants further submit that each of dependent claims 2-6, 8-12, 14-15 and 17-18 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

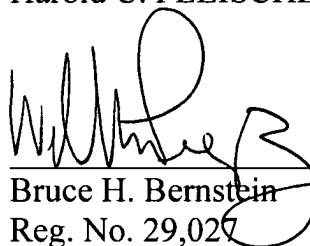
Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections, as well as an indication of the allowability of each of the claims now pending.

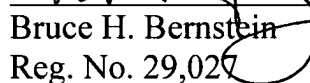
SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have explained the features of the invention recited in the present claims, and have explained how the teachings of the combination of references applied by the Examiner do not disclose, suggest or otherwise render obvious the features of the invention recited in the present claims.

Should the Examiner have any questions or comments regarding this Reply, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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January 25, 2005  
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